

UNITED STATES DISTRICT COURT

KEVIN C. BRATHWAITE
Plaintiff

v.

C.A. # 1-07-06-G.M.S.

CORRECTIONAL MED SER. et al
Defendants

MOTION TO REOPEN



NOW COMES the PLAINTIFF, KEVIN C. BRATHWAITE, requesting that this Honorable Court reopen the above captioned case.

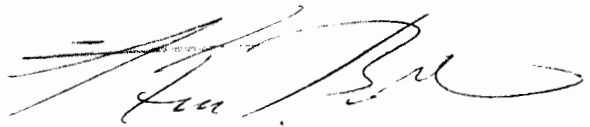
TO support this Motion the PLAINTIFF offers the following:

1. IN JANUARY, 2007, this Complaint WAS Filed With the Court.
2. IN FEBRUARY, 2008, this Complaint WAS dismissed pursuant to, 18 Del. C. § 6853.

3. AFTER Carefully reviewing, 18 Del. C. § 6853, this PLAINTIFF discovered that the clerks office MADE AN error AT the time of the initial Filing.
4. 18 Del. C. § 6853, clearly states, IN PARAGRAPH (1). IF the required AFFIDAVIT does NOT Accompany the Complaint or IF A Motion to extend the time to File SAID AFFIDAVIT as permitted by paragraph (2) of this subsection has NOT been Filed With the Court, then the clerk OF the Court shall refuse to File the Complaint AND it shall NOT be docketed With the Court.
5. When the Complaint WAS Accepted AND docketed, this PLAINTIFF WAS led to believe that he had properly Filed the Complaint AND proceeded to pay the Filing Fee.
6. Since this error WAS OF NO FAULT OF the PLAINTIFF, he should be given the opportunity to properly File this Complaint.

7. When this Complaint was dismissed, the issue regarding this Plaintiff's right to receive fillings to properly treat his dental needs was never addressed, see exhibits in initial complaint.
8. This Plaintiff is still being denied dental care.

This Plaintiff prays that this honorable court will grant his Motion to reopen this case.

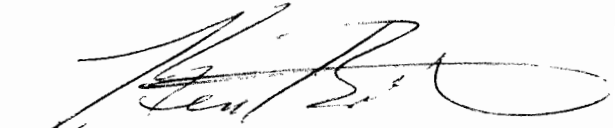

KEVIN C. BRATHWAITE
1181 Paddock Rd.
SMYRNA DE.
19977

DATED: July, 9th 2008

CERTIFICATE OF SERVICE

I KEVIN C. BRATHWAITE, states that I have caused a copy of the attached motion to reopen case to be MAILED to the following:

JAMES E. DRNEC, ESQ
711 N. KING ST
WILMINGTON D.C.
19801


KEVIN C. BRATHWAITE

DATE: JULY, 9th, 2008

IMBELIN C. BRATHWAITE

SBI# 315294 UNIT _____

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



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MAILED FROM ZIP CODE

U.S. DISTRICT COURT

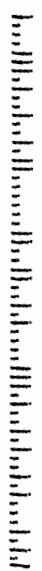
OFFICE OF THE CLERK

844 N. KING ST.

WILMINGTON DE

19801

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